

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTIANE CABULE SIMS,

Plaintiff,

Case No:

vs.

Hon.

MUTUAL OF OMAHA INSURANCE
COMPANY, a foreign corporation,

Lower Case No: 21-011665-CK

Defendant.

SOHOU LAW
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NOTICE OF REMOVAL

TO: Clerk of the Court
United States District Court
Eastern District of Michigan

Defendant Mutual of Omaha Insurance Company (“Defendant”) files its Notice of Removal for removal of this civil action from the Circuit Court of Wayne County, Michigan to the United States District Court for the Eastern District of Michigan on the grounds of federal question jurisdiction and diversity of citizenship

jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1332 as well as 28 U.S.C. §§ 1441 and 1446, and shows this Court as follows:

1. Plaintiff Christiane Cabule Sims (“Plaintiff”) has sued Defendant in this civil action which is styled as *Christiane Cabule Sims v. Mutual of Omaha Insurance Company*, Case No. 21-011665-CK, which was filed in the Circuit Court of Wayne County, Michigan.

2. Plaintiff served Defendant’s statutory agent with the summons and complaint on December 8, 2021; and Defendant is filing the notice of removal with this Court within 30 days of receipt of this summons and complaint on December 23, 2021, in accordance with 28 U.S.C. § 1446(b).

3. Pursuant to 28 U.S.C. § 1446(b), a copy of the summons and complaint served upon Defendant’s statutory agent and filed in the state court action is attached as **Exhibit A**.

4. This civil action is removable under 28 U.S.C. § 1331 in that the civil action served by Plaintiff on Defendant’s statutory agent arises under the laws of the United States; more specifically, this civil action arises under the Employee Retirement Income Security Act (“ERISA”), § 502, 29 U.S.C. § 1132 in that Plaintiff seeks accidental death benefits under an accidental death and dismemberment plan governed by ERISA and insured by Defendant in accordance with Policy No. T66BA-P-50686 (the “Policy”) issued by Defendant to Plaintiff’s employer,

Compuware Corporation, covering eligible employees subject to the terms, conditions, and limitations of the Policy.

5. This civil action is also removable under 28 U.S.C. § 1332 in that it is a civil action between citizens of different states. Plaintiff is citizen of Michigan. Defendant is a Corporation incorporated under the laws of the State of Nebraska with its principal place of business in the State of Nebraska. The amount in controversy exceeds \$75,000 exclusive of interest and costs because Plaintiff's Complaint alleges the entitlement to recover benefits of \$500,000 under the Policy.

6. This civil action is being removed to the Eastern District of Michigan, Southern Division, the district and division embracing the place where the action is pending. See 28 U.S.C. § 1441(a).

7. Written notice of filing this Notice of Removal will be sent to plaintiff via her counsel of record and provided to the Circuit Court of Wayne County, Michigan, as provided by 28 U.S.C. § 1441(d). A copy of the notice provided to the Circuit Court of Wayne County is attached as **Exhibit B**.

Respectfully submitted,

CLARK HILL PLC

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Date: December 23, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by electronic mail and first class mail on all counsel of record.

CLARK HILL PLC

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Date: December 23, 2021